

REMARKS

Reconsideration of the application as amended is respectfully requested. The specification has been amended as requested by the Examiner. No new matter has been added by virtue of the amendments to the specification.

Claims 2, 3, 5, 9, and 15-20 have been cancelled without prejudice or disclaimer. The claims have been amended without disclaimer or prejudice. Claims 1 and 8 have been amended to recite the elected sequence, responsive to the claim objections. Claim 1 has been further amended to more particularly point out and distinctly claim the invention as embodied therein, by adding the recitation of "nucleic acid encoding". Support for this amendment is found throughout the application, appearing specifically, for example, at page 6, lines 21-27. Claims 4, 6, and 12-14 have been amended to correct the antecedent basis. Claim 6 has also been amended to correct the dependency. Claim 7 has been amended to correct a typographical error. Claim 10 has been amended to more particularly point out and distinctly claim the invention as embodied therein. No new matter has been added by virtue of the amendments to the claims.

Restriction Requirement

Applicants request clarification of the Examiner's withdrawal of claim 10, in light of the Restriction Requirement dated September 18, 2007, which does not specifically address claim 10.

Objections To The Specification and the Claims

The specification has been amended as requested by the Examiner. The claims have been amended or cancelled without prejudice or disclaimer cancelling the non-elected sequences. The amendments to the specification and the claims are believed to obviate the objections, and withdrawal of the objections is respectfully requested.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 1-9 and 11-20 stand rejected under § 112, first paragraph as allegedly failing to

comply with the written description requirement. The amendments to the claims are believed to obviate this rejection, and its withdrawal is respectfully requested.

Claims 1-9 and 11-20 stand rejected under § 112, first paragraph as allegedly failing to comply with the enablement requirement. The amendments to the claims are believed to obviate this rejection, and its withdrawal is respectfully requested.

Rejections under 35 U.S.C. § 102/103

Claims 8-9, 11-14, and 16-17 stand rejected under § 102(e) as allegedly being anticipated or alternatively under § 103 as being obvious over Kunz et al. The amendments to the claims are believed to obviate this rejection, and its withdrawal is respectfully requested.

CONCLUSION

In light of the amendments and arguments presented herein, Applicants submit that all the rejections contained in the Office Action dated June 25, 2008 have been overcome and that the application is in condition for allowance or appeal. Should the Examiner wish to discuss the application further, he is invited to telephone the undersigned.

Accompanying this response is a petition for a three-month extension of time to and including December 29, 2008 with the required fee authorization. No further fee is believed due. However, if an additional fee is due, the Director is authorized to charge, or to credit any overpayment, to our Deposit Account No. 03-2775, under Order No. 13173-00012-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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